IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1205 OF 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
RAMBHAI BHIMBHAI & ORS. - Respondent(s)

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Appearance :
Ms. Jyoti Mehta for Shri Hardik C. Rawal for Appellant(s).
None for Respondent Nos. 1 – 3 despite service.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 13/07/2007

ORAL JUDGMENT

The appellant – Gujarat State Road Transport Corporation, being aggrieved by the judgement and award dated 2nd February, 1984

passed by the learned Member, Motor Accident Claims Tribunal, Amreli in M. A. C. Application No.71 of 1982, is before this Court.

2. Ms. Jyoti Mehta, learned Counsel for the appellant, submits that the learned Tribunal below was unjustified in holding that the dependency could be Rs.300/- per month despite holding that the deceased could have earned a sum of Rs.500/- per month. She submits that the dependency could not be more than Rs.200/- per month and as such, the award suffers with the vice of excessiveness.

3. In the present matter, it is to be seen that the learned Tribunal below did not properly appreciate the future prospects of the deceased and erred in holding that his income could be Rs.500/- per month only. In a period like the present where everything is marching on the path of escalation, the index number is going on and the price rise has become the role of the day, it would not be possible to hold that the future prospects of the young boy would be only Rs.500/- per month. His age was around 15 years. The learned Tribunal below even otherwise erred in applying the multiplier of fifteen. In case of a young death, the multiplier ordinarily should have been eighteen. If I agree with the learned Counsel for the appellant and recalculate, then, I must hold that the learned Tribunal below awarded lesser amount.

4. I find no reason to interfere. The appeal deserves to and is, accordingly, dismissed.

[R.S.Garg, J.]

*kamlesh**